

IN THE U.S. PATENT AND TRADEMARK OFFICE BEFORE  
THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

Martin MASTENBROEK

Conf. 9728

Application No. 10/584,215

Group 3634

Filed July 24, 2006

Examiner C. Chavchavadze

SAFETY DEVICE FOR A FALL RESTRAINT

**REPLY BRIEF**

MAY IT PLEASE YOUR HONORS:

At the outset, Appellant maintains all of the positions taken throughout prosecution and most recently in the brief filed September 1, 2011. Appellant will, in the present Reply Brief, address those points that have been directly raised in the Examiner's Answer and the final Office Action to which a response is demanded to present a clear picture for the Board.

On page 7 of the Examiner's Answer it is again asserted:

Although the appellant claims the fastening flap is "or otherwise locally bonded" (independent Claim 38) and "or otherwise bonded" (independent claim 45), the appellant repeatedly argues the bond must be a physical bond, that of gluing, welding, bolting or nailing. Such arguments limiting the bonding options to only physically gluing, welding, bolting or nailing are not persuasive since the claims clearly recite the flap can be otherwise bonded which clearly leaves the bonding options open to ballasting systems, layers of material to weigh/bond something in place (i.e.: layers of stone or brick) magnetic bonding, hook and loop fastening bonding, chemical bonding, etc. If the appellant wanted

to limit the bonding to gluing, welding nailing or bolting he should have made that clear in the claims since one of ordinary skill understands there are many "bonding" options for bonding two elements or layers together such as the numerous named in the lines above.

The Examiner insists on an overly broad interpretation of the wording 'glued, welded or otherwise adhered' (originally used) or 'otherwise bonded' (present claim 38) including a securement of the flap as disclosed by Zinc under pressure of ballast. This interpretation is overly broad, particularly in view of the claim language, since no one of ordinary skill in the art would consider such flap to be 'adhered' to the surface. In fact, the flap of Zinc remains loose from the surface at all times.

Accordingly, reversal of the rejections set forth by the Examiner is respectfully requested.

Respectfully submitted,

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JJL/fb